



U.S. Department of Justice

United States Attorney
Eastern District of New York

DG
F. #2019R01685

271 Cadman Plaza East
Brooklyn, New York 11201

September 17, 2020

TO BE FILED UNDER SEAL

By Email

The Honorable Margo K. Brodie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. J&F Investimentos SA, 20-CR-365

Dear Judge Brodie:

The parties in the above-captioned cases are scheduled to appear before the Court on October 14, 2020, at which point the defendant is expected to plead guilty to a one-count information charging conspiracy to violate the anti-bribery provisions of the Foreign Corrupt Practices Act ("FCPA"). The government will provide the Court with draft copies of all relevant documents for review next week.

The parties are not seeking courtroom closure for the court appearance on October 14, 2020, nor are they seeking to have the defendant designated as "John Doe." However, the parties are seeking to have the docket sealed until the plea takes place, and for the Court not to publicly announce the identity of the defendant on the public court calendar prior to the plea hearing. There are several reasons for this request. First, because the defendant has not yet been charged by indictment or information, there is not currently a case pending against the defendant. While the government anticipates that the defendant will plead guilty, the documents have not been finalized and the defendant has the option to choose not to plead guilty. As a result, the government does not want to publicly disclose the existence of a potential case against the defendant until its agreement to waive indictment and proceed are finalized. Second, the criminal resolution that will be reached with J&F Investimentos SA ("J&F") is being coordinated with a resolution between the Securities and Exchange Commission and a subsidiary of J&F, which is not yet public and is not expected to be made public until on or after October 14, 2020. Third, premature disclosure of the fact of a criminal resolution with J&F, without the corresponding context of the details of that resolution (which is set forth in the plea agreement and information), could have adverse collateral consequences for J&F and its subsidiaries, some of which are publicly traded companies or majority owners of publicly-traded companies.

The government notes that courts in this district have taken similar approaches, including in Keppel Offshore & Marine USA, Inc., 17-CR-698 (KAM), in which the docket remained sealed and the defendant's names was not publicly announced until the date of its plea.

For these reasons, the parties jointly request that this application be filed under seal, the docket for the above-captioned case remain under seal, and the name of the defendant not be publicly disclosed until the time of the scheduled plea on October 14, 2020.

Respectfully submitted,

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/s/
Michael Culhane Harper
Joseph McFarlane
Trial Attorneys

cc: Defense Counsel (by email)